

Report to Environment and Licensing Committee

Subject: Application for Street Trading consent at Eagles Square Arnold

Date: 1 December 2020

Author: Report of Director of Health and Community Wellbeing

Purpose

To consider an application made by Gedling Borough Council for a Street Trading Consent for the Arnold Market to trade in a consent street in Arnold (Appendix 1).

To seek approval for the consent to be for a 12 month period which is a departure from the Council's Street Trading Policy (Appendix 2).

To seek approval to delegate authority to the Director of Health and Community Wellbeing to approve and refuse all future applications for Street Trading Consent.

Recommendation(s)

That Members:

- 1. Approve the application made by Gedling Borough Council for a Street Trading Consent for the Arnold Market to trade in a consent street in Arnold as shown in the Appendix attached to the report.**
- 2. Approve a departure from the Council's Street Trading Policy and that the consent be for a 12 month period.**
- 3. Delegate authority to the Director of Health and Community Wellbeing to approve and refuse all future applications for Street Trading Consent.**

1 Background

1.1 Schedule 4 of The Local Government Miscellaneous Provisions Act (1982) gives District Councils the power to designate any street as either

- 'a prohibited street' (all street trading is prohibited);
- 'a licence street' (street trading is prohibited without a licence from the council); or
- 'a consent street' (street trading is prohibited without the consent of the council).

This designation then gives the council the power to control street trading on that street. The Council adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 on 6th June 1983.

1.2 In 2012 the Environment and Licensing Committee approved that the Front Street area of Arnold and portions of the streets that branch off it, be re-designated from a 'prohibited street' to a 'consent street'. This was due to the activities in town centres changing allowing for more markets, fairs and other events to take place whilst balancing the control of such events by the Council by way of a policy to monitor the type of trading and events that take place.

This has allowed for the Arnold town centre to have craft fairs and a Christmas market over the last few years whilst protecting the interests of the Arnold Market traders.

1.3 As Members will be aware there is currently a complete restructuring of the Arnold Market area and as a result of this it is proposed that the Arnold Market traders be relocated to the Eagle Square area, which is covered by the consent policy, and the application and supporting documents for this are attached at Appendix 1.

1.4 The Council street trading policy is attached at Appendix 2. In Section 4.0 (5) the policy states

'The council will not grant permission for any trader to operate for any more than 16 days within a calendar year'.

The application submitted is for a 12 month period which contravenes this section of the policy but Eagle Square, which is in the 'consent street' area, is the only viable option for the market to continue to operate while the works are being carried out on the new market area.

1.5 It is not clear how long the effects of the COVID-19 pandemic will impact on the retail sector and the nation's high streets. Following the first national lockdown there was a strong emphasis on outdoor trading by the

Government. It is anticipated that there could be an increased demand for street trading consents for the foreseeable future.

- 1.6 In May 2012 the Committee resolved that authority be granted to the Corporate Director responsible for Licensing to issue Consents and refuse applications for Consent in accordance with the approved policy.

Given the current climate and the restrictions around trading in the Policy the current delegation is no longer appropriate. For the sake of expediency when considering applications for street trading consent it would be preferable that the Director be delegated authority to grant or refuse all applications for Consent whether the application is in accordance with the approved policy or not. Any application made by the Council for street trading consent will still need to be referred to the Committee for consideration.

The Director also has the option not to exercise the delegated powers and refer any contentious or complicated applications to Committee for a decision.

2 Proposal

- 2.1 To consider an application made by Gedling Borough Council for a Street Trading consent for the Arnold Market to trade in a consent street in Arnold (Appendix 1).

To seek approval for the consent to be for a 12 month period which is a departure from the Council's Street Trading Policy.

To seek approval to delegate authority to the Director of Health and Community Wellbeing to approve and refuse all future applications for Street Trading Consent.

3 Alternative Options

3.1	To not allow the application which would result in the Arnold market being unable to trade in Arnold during the period of the works to the new market area.
3.2	Not to delegate authority to the Director of Health and Community Wellbeing to approve or refuse all future applications for Street Trading Consent. However this could lead to an unnecessary burden on the Committee meaning that every application that falls outside of the Policy will need to be referred to Committee. This could cause a delay in the grant or refusal of Consents.

4 Financial Implications

4.1 None

5 Legal Implications

5.1 None

6 Equalities Implications

6.1 None

7 Carbon Reduction/Environmental Sustainability Implications

7.1 None

8 Appendices

8.1 Appendix 1 – Application made by Gedling Borough Council for Street Trading consent

Appendix 2 – General Street Trading Policy

9 Background Papers

9.1 None